

WT Docket 02-55

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LINDSEY O. GRAHAM
SOUTH CAROLINA
(202) 224-5972

United States Senate RECEIVED

WASHINGTON, DC 20510

April 29, 2004

JUN 14 2004

Michael K. Powell
Chairman
Federal Communications Commission
Office Of Congressional and Public Affairs
1919 M Street NW
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

Dear Chairman Powell:

I have been contacted by the Fraternal Order of Police (FOP) concerning the Commission's (FCC) plan to address interference in the 800 MHz band. It is my understanding that they have not received a response to their attached correspondence.

The FOP has raised certain issues about the pending FCC proposal. The FOP is the largest rank and file law enforcement organization in the country, with more than 300,000 members. These are the officers whose lives depend upon reliable public safety communications.

I would appreciate hearing from you, in writing, with detailed answers to the issues raised in the attached FOP letter prior to any action on the FCC's pending 800 MHz proposal.

Sincerely,



Lindsey O. Graham
United States Senator

LOG/rw

Attachment

cc: Commissioner Kathleen Q. Abernathy
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
Commissioner Michael J. Copps

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CHUCK CANTERBURY
NATIONAL PRESIDENT

GRAND LODGE FRATERNAL ORDER OF POLICE®

520 Massachusetts Ave., N.E.
Washington, D.C. 20002
Phone 202-547-8788 • FAX 202-547-8118

JAMES G. PISCO, JR.
SPEECHES DIRECTOR

24 March 2004

The Honorable George W. Bush
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President,

I am writing on behalf of the membership of the Fraternal Order of Police, our nation's oldest and largest law enforcement labor organization, to advise you of our concerns regarding a "Consensus Plan" for realigning the public safety radio spectrum.

It is our understanding that the proponents of this Plan are representing it as having the full support of "public safety" professionals--this is not the case. This Plan does not represent a consensus of the law enforcement community. The F.O.P., which represents more than 311,000 members in more than 2,100 lodges, was not invited to join the Plan, has not done so, and does not endorse it. While we are aware that several associations which represent certain members of the public safety community support the Plan, they do not represent F.O.P. members--the rank-and-file officers who most depend on the radio services that will be impacted by the Plan.

Not only has the F.O.P. not endorsed the "Consensus Plan," but in fact we have many concerns about it. To begin with, the Plan does not guarantee immediate funding to pay for the enormous costs to replace radios and modify existing communications systems. Instead, it proposes a vague "reimbursement" scheme where local law enforcement agencies and fire departments must first incur costs and then seek reimbursement, which, in these times of serious fiscal constraints, is not always feasible. Police departments, after all, cannot simply spend money in the hope of reimbursement; they must first obtain appropriations from local governments. Of even greater concern is the Plan's reimbursement process--departments will need to apply for reimbursement from a "Fund Administrator" and "Relocation Coordination Committee," neither of which are appointed or controlled by public safety entities, and then must seek the funds from a private company. The funding "commitment" appears to be an illusion. Working under this Plan will only increase budget deficits at the Federal, State and local level.

Second, the Plan proposes to cap relocation funding at \$700 million for public safety. We believe this is far short of what would be needed to replace literally millions of radios that would be rendered obsolete by the Plan's massive spectrum realignment, forcing public safety communications on to new channels. A number of local communities oppose the Plan for this reason alone.

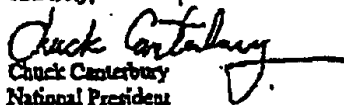
Third, given these and other problems, we do not understand why massive realignment of the public safety spectrum, used by thousands of public safety agencies across the nation is necessary to solve interference problems that only some communities may be experiencing. Why is the Federal Communications Commission (FCC) not requiring the parties who are causing the interference to eliminate it where it occurs? What if some localities do not want to engage in such a costly, time consuming and disruptive process--will they be required to do so? We would ask that you give serious consideration to less radical and costly methods.

Fourth, the complexity of the Plan creates a real fear that it will be tied up in litigation for years, with the result that public safety will not have its interference problems resolved or will be forced to incur its own costs in order to pay for that work. We ask that you instead focus on solutions to interference that are legally sound as well as technically feasible and that impose the least disruption and cost on the public safety community.

And finally, the Plan would give one company, whom we understand to be causing most of the interference, new spectrum in an entirely separate band. In these times of growing Federal deficits, the FCC should not give or sell spectrum to one party without allowing other parties to bid for it in an auction. Congress has recognized that open auctions yield the highest revenues for the Federal government. Congress would be able to use auction revenues to increase funding for sorely needed improvements to public safety and homeland security. This Plan would not raise a single dollar for public safety.

We would appreciate hearing from you directly as to how the FCC plans to address these concerns and respectfully request that we be given the opportunity to participate in the formulation of the Administration's policies with regard to the public safety spectrum. Thank you in advance for your consideration of our views on this issue. If I can be of any further assistance, please do not hesitate to contact me or Executive Director Jim Pasco at my Washington office.

Sincerely,


Chuck Canterbury
National President

Honorable Michael E. Powell, Chairman, FCC
Honorable Kathleen Q. Abernethy, Commissioner, FCC
Honorable Jonathan S. Adelstein, Commissioner, FCC
Honorable Michael I. Cappe, Commissioner, FCC
Honorable Kevin J. Martin, Commissioner, FCC
Honorable Tom Ridge, Secretary, U.S. Department of Homeland Security